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4 Attorney for Defendant

5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7
8 UNITED STATES OF AMERICA,) CR-S-09-078-JCM(RJJ)
9 Plaintiff,)
10 vs.)
11 SAMUEL DAVIS,)
SHAWN RICE)
12 Defendant.)
13

**STIPULATION TO CONTINUE
TIME FOR TRIAL AND MOTIONS
DEADLINES**

14 IT IS HEREBY STIPULATED AND AGREED by and between Defendant, SAMUEL
15 DAVIS, by and through his counsel, TODD M. LEVENTHAL, ESQ., and the United States of
16 America, by its counsel, GREGORY DAMM, Assistant U.S. Attorney, that the trial in the
17 above-captioned matter currently scheduled for June 21, 2010, be vacated and continued until
18 September 20, 2010 calendar.

19 This Stipulation is entered into for the following reasons:

- 20 1. Mr. Davis has indicated his desire to proceed to trial representing himself.
21 2. A motion has been filed for a Faretta hearing, however the hearing has not been set as
of yet.
22 3. Counsel for Mr. Davis believes that if Mr. Davis is granted the right to represent
himself, Counsel will remain as stand by counsel assisting Mr. Davis..
23 4. Counsel for the Government, Counsel for Mr. Davis and the Court have met and
indicated that a September date works for scheduling purposes.
24 5. Mr. Davis is not in custody and agrees with this continuance.
25 6. Mr Rice is in warrant status at this time.

1 7. Additionally, denial of this request for a continuance could result in a miscarriage of
2 justice.

3 8. The additional time requested by this Stipulation is excludable in computing the time
4 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
5 States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States
6 Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

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9 DATED this 16TH day of June, 2010.
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12 -s-
13 TODD M. LEVENTHAL, ESQ.
Counsel for defendant

14 -s-
15 GREGORY DAMM ESQ.
16 Assistant U.S. Attorney
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5 **UNITED STATES DISTRICT COURT**

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8 UNITED STATES OF AMERICA,)
9 Plaintiff,) CR-S-09-078-JCM-(RJJ)
10 vs.)
11 SAMUEL DAVIS,)
12 SHAWN RICE)
13 Defendant.)
14

**FINDINGS OF FACTS AND
CONCLUSIONS OF LAW**

15 **FINDINGS OF FACT**

16 Based on the stipulation of counsel, and good cause appearing, the Court finds that:

- 17 1. Mr. Davis has indicated his desire to proceed to trial representing himself.
- 18 2. A motion has been filed for a Faretta hearing, however the hearing has not been set as
of yet.
- 19 3. Counsel for Mr. Davis believes that if Mr. Davis is granted the right to represent
himself, Counsel will remain as stand by counsel assisting Mr. Davis..
- 20 4. Counsel for the Government, Counsel for Mr. Davis and the Court have met and
indicated that a September date works for scheduling purposes.
- 21 5. Mr. Davis is not in custody and agrees with this continuance.
- 22 6. Mr Rice is in warrant status at this time.
- 23 7. Additionally, denial of this request for a continuance could result in a miscarriage of
justice.
- 24 8. The additional time requested by this Stipulation is excludable in computing the time

1 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
2 States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States
3 Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

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7 CONCLUSIONS OF LAW

8 Based on the fact that counsel for the defendant needs additional time within which to
9 prepare the case for trial, defendant does not object to the continuance sought herein, denial of this
10 request for continuance would deny the parties sufficient time to resolve the case and otherwise
11 prepare for trial should negotiations bail. Additionally, denial of this request for a continuance
12 could result in a miscarriage of justice.

13 1. The additional time requested by this Stipulation is excludable in computing the time
14 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
15 States Code, Section 3161 (h)(8)(A), when considering the factors under Title 18, United States
16 Code, Section 3161(h)(8)(b)i and 3161 (h)(8)(b)(iv).

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18 ORDER

19 Accordingly, IT IS SO ORDERED that the JUNE 21, 2010 at 8:30 a.m. trial
20 setting is vacated and the same is continued and reset for _____, 200_____, at the hour of
21 8:30 a.m., in courtroom #_____. (Stacked trial setting.)

22 IT IS FURTHER ORDERED that the Calender Call in this matter is reset for
23 _____, 200_____, at the hour of _____, in Courtroom #_____

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25 Dated this _____ day of JUNE, 2010.

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28 UNITED STATES DISTRICT JUDGE